

1007 Rec'd PCT/PTO 02 MAR 2002

FORM PTO 1390  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

HUBR-1206 (10202655)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/088875**

INTERNATIONAL APPLICATION NO.

**PCT/EP00/09585**

INTERNATIONAL FILING DATES

**29 September 2000**

PRIORITY DATE CLAIMED

**16 September 2000 and  
October 1, 1999**

**RETARD FORM CONTAINING  $\alpha$ -LIPOIC ACID (DERIVATIVES)**

**APPLICANT(S) FOR DO/EO/US Hans SCHUHBAUER, et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing 35 U.S.C. 371
  3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
  4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
  5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
    - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
    - b. ☒ has been communicated by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
    - a. ☒ is attached hereto.
    - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
  7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
  10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☒ A **FIRST** preliminary amendment.
  14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
  15. ☐ A substitute specification.
  16. ☐ A change of power of attorney and/or address letter.
  17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
  18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
  20. ☒ Other items or information: **PCT/ISA/210; PCT/IPEA/409**

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U.S. APPLICATION NO. (if known) <b>107088875</b>		INTERNATIONAL APPLICATION NO. PCT/EP00/09585		ATTORNEY'S DOCKET NUMBER HUBR-1206	
17. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO And International Search Report not prepared by the EPO or JPO .....\$1040.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO And all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00 <b>ENTER APPROPRIATE BASIC FEE AMOUNT -</b> Surcharge of \$ _____ for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				<b>CALCULATIONS PTO USE ONLY</b>	
				\$	890.00
				\$	
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>		
Total claims	-20 =	0	X	\$	
Independent claims	1-3 =	0	X	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			X	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	890.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above Are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$	890.00
Processing fee of \$ _____ for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). +				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	890.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). Assignment Must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31) (per property). +				\$	40.00
<b>TOTAL FEES ENCLOSED =</b>				\$	930.00
				Amount to be Refunded:	\$
				Charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>930.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to my Deposit Account No. <u>50-0624</u> . A duplicate copy of this sheet is enclosed.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: James R. Crawford FULBRIGHT & JAWORSKI L.L.P. 666 Fifth Avenue New York, New York 10103 (212) 318-3148 Customer No. 24972			SIGNATURE: <u>James R. Crawford</u> NAME: _____ <div style="text-align: right;">39,155</div>		

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This mail is being sent by Express Mail No. EL 829645035 US  
In an envelope addressed to: Commissioner of Patents and Trademarks  
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On *March 20, 2002*  
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*Eileen Sheffield*

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